

CITY COUNCIL MINUTES

June 11, 2007

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, June 11, 2007 at 6:00 p.m. immediately following a 5:15 p.m. Closed Session with Mayor Robert Snyder presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Kevin Hanley, Keith Nesbitt (absent from roll call; arrived 5:20 p.m.), Bridgett Powers, Bob Snyder, J. M. Holmes

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Police Chief Valerie Harris, Engineering Division Manager Bernie Schroeder, Public Works Director Jack Warren, Transit Analyst Megan Siren, Associate Planner Steve Geiger, Administrative Manager Joanna Belanger, Airport Manager Jerry Martin, Administrative Services Director Andy Heath

By **MOTION** adjourn to a closed session under Government Code Section 54957.6: **MOTION: Holmes/Nesbitt/Approved by Voice**

- (1) Pursuant to Government Code Section 54957.6:
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: David Mackowiak, Robert Richardson
- (2) Pursuant to Government Code Section 54956.9(b)
CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City Council/Agency.

Receipt of Claim pursuant to Tort Claims Act or other written communication from Brad Booth threatening litigation (copy available for public inspection in the City Clerk's office). G.C. 54956.9v(3) (C).

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor's Proclamation: United States Army Week

AGENDA APPROVAL

No changes requested.

CONSENT CALENDAR

1. Warrants

By **RESOLUTION 07-62** approve Warrants # 66316-66568 totaling \$1,195,658.85.

2. Minutes

By **MOTION** approve City Council Minutes of April 9, 2007 (Joint AUDA), April 23, 2007 (Joint AUDA), May 7, 2007 (Special Session) and May 7, 2007 (Joint Session)

3. Lease for Airport Property with the California Wing Civil Air Patrol

By **RESOLUTION 07-63** approve and authorize the City Manager to execute a lease for Airport land between the City of Auburn and the California Wing Civil Air Patrol for the use and benefit of Auburn Composite Squadron 92.

4. Donation of GO-4 Surplus Vehicle

By **RESOLUTION 07-64** authorize the surplus and ownership transfer/donation of one (1) used 1994 MME, Model P-35 Parking Enforcement Vehicle, VIN#2W9MPK636PP044447 valued at \$499.00 by Municipal Maintenance Equipment, Inc. to the Placer Union High School District.

5. **Donation of Funds for Purchase of Taser Devices**

By **MOTION** authorize the acceptance of a donation of money from the Masonic Lodge to the Auburn Police Department for the purchase of Taser devices.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar. **MOTION: Hanley/Holmes/ Approved 5:0**

6. **Public Comment**

Mayor Snyder stated that he wanted to make it clear that there is nothing on the agenda to close Eisley's Nursery or in "any way impede its operation."

Loy Ferrari, 1430 Auburn Ravine Road, spoke against the proposed location of the Ashley Memorial Dog Park at Auburn Recreation District's Ashford Park. She stated that it took too much of the park that is currently enjoyed by many groups of people. She asked that the Council support her. She handed out information regarding her objections to the Council.

Grant Withers, Rocklin resident, stated his opposition to the proposed location of the dog park. He read a letter from the Calvary Christian Church located on Auburn Ravine Road. The letter stated the school has used Ashford Park for baseball, soccer and flag football for several years.

Council Member Holmes commented that he has seen several complaints about city right-of-ways (streets) being used to sell used cars. People park vehicles particularly on Auburn Folsom Road with a "For Sale" sign on them. He stated that there is no city ordinance that prohibits the parking of the vehicles, but it is a matter of concern to some citizens.

Stephanie Eisenburg, 12845 Baltic Circle, Auburn, asked the Council to consider opposing the dog park at Ashford Park. She explained that it is used by a variety of groups, and felt they should not be disturbed by a dog park.

Gail Nunes, Holly Hills Drive, Auburn, stated that the residents in her area did not receive a letter stating when the sewer issue was going to go before the Council.

PUBLIC HEARING

7. **2006 Weed Abatement Program, Assess Tax Roles**

Fire Chief Mark D'Ambrogi introduced the item. He stated that two parcel owners had paid their fees and one had not. He asked that the public hearing be conducted to allow objection from any property owner liable to be assessed for weed abatement costs.

Charles Walton, 198 Cedar Street, stated that weeds are very high in his area next to the Union Pacific Railroad tracks.

Mayor Snyder asked Chief D'Ambrogi if there is anything the City can do to try to work with Union Pacific to get the weeds abated. The Chief advised that it is Union Pacific's responsibility, but that UP "takes a different approach to weed abatement on their tracks." It said it seems they would rather deal with incidents as they occur rather than taking proactive measures. Mayor Snyder said that Union Pacific is difficult to work with, but maybe a citizen letter-writing program could be initiated.

Ray Thompson III, Auburn resident, said that he thought the field in prior years was burned as a training device. He said it suggested that, whether or not it is an option today, it should be considered.

By **RESOLUTION 07-65** approve the 2006 cost report of the weed abatement program and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect cost assessments. **MOTION: Holmes/Nesbitt/Approved 5:0**

8. **Abandonment of a Portion of Right-of-Way for Pine Street and Kenmass Avenue**

Engineering Division Manager Bernie Schroeder introduced the item. She explained that it has to do with a change in a request from an adjacent property owner. She said Public Works was simply following through with the public hearing, deeming the property an abandoned right-of-way, and following through with the City's policy for excess right-of-way.

Council Member Holmes stated that it was his understanding that abandoned right-of-way parcels would be sold. Ms. Schroeder explained that there are various categories, outlining whether or not the property is developable. City Attorney Colantuono explained that this abandonment is consistent with the City's policy to sell property.

Richard Sanborn, Auburn resident, said that the space could be used for sidewalk. He said it is already used for that purpose. He felt the property should not be given away, and should be saved for a sidewalk or bicycle path.

Ms. Schroeder stated that the Pine and Kenmass parcel is not currently being used as roadway and could conceivably be merged with the existing parcel for improvements associated with the project.

- A. Conduct a Public Hearing on the Abandonment of a Portion of Right-of-Way for Pine Street and Kenmass Avenue.
- B. By **RESOLUTION 07-69** declare the portion of right-of-way for Pine Street and Kenmass Avenue described and shown on the attached Exhibit A and B as unnecessary for public purposes and authorize its abandonment. **MOTION: Nesbitt/Hanley/Approved 5:0**

9. **Appeal by Frank R. Lewis, Applicant of the Historic Design Review Commission's approval of the Applicant's Proposed Wall Sign and Freestanding Sign Only. The Applicant is Appealing the Commission's Decision to Deny his Two Proposed Hanging Signs – 185 Linden Avenue**

Associate Planner Steve Geiger introduced the item. He explained that the Historic Design Review Commission approved two signs for the applicant and rejected two proposed hanging signs. Therefore, the applicant filed an appeal stating that without the hanging signs he lacks business identification.

Appellant Frank Lewis, 185 Linden Avenue, stated that he is appreciative of the signs that were approved. However, from the direction his clients would be entering from the parking area, they would not be able to what types of offices are in the building.

Don Rolfe with Keller Williams stated that he is self-employed and that in Mr. Lewis' type of business signage is important. He said it is important to be seen, otherwise folks go on line and find someone else, not necessarily in town.

Donna Howell, 405 Linden Avenue, stated that four signs are "over kill." She said signs have been approved and are visible from Lincoln and High Street. She said the two signs are sufficient.

Council discussion followed. Council Member Hanley said that unnecessary obstacles should not be placed in front of a business owner. He supported approving the appeal. Council Member Powers concurred with Council Member Hanley. Council Member Nesbitt stated that he also concurred, and that the signs were very in keeping with the building.

Council Member Holmes stated that the community has too many signs and would not support the appeal. He stated that with the monument

sign, there is no way the business could be missed by someone looking for the building. Mayor Snyder stated that he would limit it to one hanging sign.

By **RESOLUTION 07-66** approve the appeal thereby overturning the Historic Design Review Commission's decision and approve the two hanging signs proposed by the applicant along with the second floor wall sign and the free standing sign with the requirement that its sign face be reduced to 3' x 5' in size. **MOTION: Hanley/Powers/ Approved 3:2 (No Holmes, Snyder)**

10. **Appeal by Michael E. Walker, Applicant, of the Planning Commission's Denial of a Tentative Parcel Map and Tree Permit – 230 Live Oak Street**

This item was continued at the request of the applicant and will be rescheduled for a future hearing date at a later time. Revised public hearing notices were mailed to the neighboring property owners in accordance with City requirements.

By **MOTION** continue the hearing off calendar for the appeal by Michael E. Walker, applicant, of the Planning Commission's denial of a Tentative Parcel Map and Tree Permit (Files #LS 06-2; TP 06-5), based on the request of the applicant. **MOTION: Holmes/Hanley/Approved 5:0**

11. **Wastewater Treatment Plant Upgrades and Sewer Rate Increase – 1st Reading Ordinance**

Public Works Director Jack Warren introduced Megan Siren and Bernie Schroeder from Public Works and Dan Ridge from EcoLogic, who is the primary consultant on the Wastewater Facility and on the current project.

Mr. Warren explained that the public hearing was being held to consider increasing the rate for sewer service from \$35.00 per month for a single family dwelling to as much as \$54.50 per month with a staff recommendation of \$52.50. A presentation was given, by the staff members and consultant previously introduced, to familiarize the Council and the public with the entire wastewater collection and treatment operation.

Public Works Director Warren gave an overview of the Clean Water Act and the agencies involved with requirements and enforcement. He also outlined the information in the agenda packet for further clarification. Mr. Warren explained that the last rate adjustment was done in 1995 although there was a provision in the ordinance for annual cost of living increases. He explained why sewer charges are based on land use categories. He

explained that the technology and equipment is not available to measure exact usage. Mr. Warren presented the calculations for sewer service which equated to \$52.50 as a monthly rate.

Mr. Warren explained that the only alternative is a regional trunk line from Lincoln to Auburn and to various facilities in Placer County. He stated that the project has already started. Based on the most recent information, if the pipeline was extended to Auburn, it would cost the City \$53,000,000 in order to finance it and the monthly charge would range between \$100 and \$120 per month. Although regional system offers superiority in some ways, it would be a lengthy process and deadline dates would need to be met.

Mr. Warren presented sewer rate comparisons with other area entities which included new connection fees. He stated that 5,800 notices were sent out prior to the public hearing. He advised that there were 175 responses with various objections which he summarized. The City is required to provide upgrades and there is no revenue source available outside of a rate increase. He stated that the ordinance requested is an emergency ordinance. Whatever rate the Council agrees upon, must be given to the county assessor's office by June 25th in order to have the assessment placed on the tax roll. Council questions and discussion followed.

Council Member Hanley questioned the portion of the ordinance that allows annual CPI increases. City Attorney Colantuono clarified the process explaining that an actual increase in rates must be approved by the Council.

RECESS 7:48 to 7:58

Mayor Snyder opened the public hearing to regarding the amendment of the City of Auburn Sewer Rates. He asked the audience how many people were opposed to the rate increase; Mayor Snyder estimated that about three quarters of the audience raised their hands.

John Mark, 395 Riverview Drive, stated that the issue of sewer fees is very important and "needs a bigger audience." He opposed the rate increase.

Betty Ford, 140 Wescott Court, opposed the large increase. She said it hurts the younger folks buying homes and the older folks on fixed incomes.

Cynthia Grant, 3391 Landis Circle, asked questions regarding past rates, proposed rates, service areas, state mandates, and a regional wastewater

plant. She suggested higher new connection rates to offset the costs rather than increasing the costs to homeowners.

Don Luis, 292 Lincoln Way, stated that he is on a fixed income and opposed the rate increase.

Howard Coons, city property owner, stated that he was dismayed by the procedure that it will not be necessary in the future to notify property owners for a cost of living increase. He felt that the public did not properly understand the letters sent to them regarding the restructuring of the fee assessments, which he opposed.

Public Works Director Warren clarified that no change in the rate structure has been suggested. He stated that only one category was added for apartments. The current assessment system has been in place for many years.

Don Rolfe, Dairy Road, stated that those folks on low and fixed income should be considered. He stated that duplexes should be paying the same rate because they can house the same amount of people as any single family dwelling. He supported the rate increase to keep the city "in the black."

Joseph Nicosia, 119 Rancho Circle, a 38-year resident, asked if there were any federal funds available for its mandate. It was explained that bonds will be used to finance the upgrades. City Attorney Colantuono explained the bonds are borrowed against the rates that the customers pay. Mr. Nicosia asked that consideration be given to those on a limited income. He said there should be a different kind of fee structure based on usage.

Elizabeth Kennedy, 14 Ruby Street, opposed the sewer rate increase.

Robin Draghli, President of the Auburn Highlands Homeowners Association, expressed the opposition of the homeowners to the sewer rate increase. She stated that it was a 75% increase.

Carl Franklin, resident of Lake of the Pines, owner of the Bootlegger's building, stated that he opposed the 55% increase on his building sewer assessment. He stated that the increase will be charged to his tenant and he does not want to see people go out of business due to excessive sewer fees. He also opposed the new connection fee increase.

O. C. Taylor, past council member, stated that he opposed the sewer fee increase. He asked for a full disclosure of all the monies collected since

1995. He felt the City should keep its own wastewater treatment plant and not utilize the regional plant.

Rich Munster, 569 Canyon Drive, requested a full accounting of all sewer fees collected since the 1995 increase and sewer related expenditures during the same period. He also asked for an upgrade construction plan to be made available in writing to the public with detailed costs for the next five years. Mr. Munster also requested documentation that supports the required upgrades. He asked that it be placed on a ballot for public vote. He disagreed with the additional fees being levied to residents that are connected to a sewer lift.

Ted Smith, 330 Ginger Drive, opposed the rate structure. He proposed metering usage.

Joyce Spence, 224 Katherine Way, opposed the rate structure since she lives alone and will be charged the same amount as a family of five. She said it was poor management not to raise rates from 1995. She stated that the public should have been alerted earlier.

Dan Sokol, 1330 Deerwood Place, felt the reserve fund should be lessened, and that all users should pay the same assessment amount without low income exemptions.

The following persons spoke in opposition to the rate increase reiterating the previously stated concerns (public notification, environmental mandates, rate categories, percentage of increase, low-income users, tenant users, regional plant issues).

Donna Howell, 405 Linden Ave.

Mike Monahan, 750 Perry Ranch Road

Phillip Johannsen, 100 Lincoln Way

Richard Sanborn, resident

Charles Wall, 190 Cedar Street

Richard Flores, local business and property owner, stated he would like to see a small sales tax to provide for the future.

Harvey Roper, local business owner

Karen Wright, 333 Racetrack Street

Mayor Snyder closed the Public Hearing.

Council Member Nesbitt stated that he agreed with many of the comments, but the City must be in compliance or it will be very costly. He said that the ongoing supporters of the sewer system are not getting their fees phased in. Therefore, new connectors to the system should not have their fees phased in either. He said everyone should be treated equally.

He said previous Councils did not implement the cost of living increases and possibly should have done so, but an increase in fees is now needed to bring the City into compliance. He said he will look for ways to try to assist low-income and fixed income people. He said there is some risk in drawing down the reserve, but it would decrease the rates about \$2.00 per month. He said to consider how many people in the household would cause problems when people moved; a household could transition from one person to five. Administrative costs alone would burden the system. He stated that he would have to support ordinance amendment.

Council Member Holmes stated that he was disappointed that past Councils did not increase fees on a "step-by-step basis over the years" although there may have been criticism that the reserves were too large. He stated that he would support a full accounting of the sewer fund from 1995 to the present time. He also supported a direct increase to the hook up charge, rather than graduated fees, effective the first of July. He stated that he would like to see adjustments for low-income people, but he will support the rate increase.

Council Member Hanley stated that the Council has taken the proposed rate increase very seriously and has studied the issue in depth. He said the City has no choice but to meet the standards of the State and Federal Governments or pay huge fines. He said the proposed rate system is the best way to share the cost. He agreed that new development and the homeowners should be treated exactly the same. He said consideration should be given to low-income and fixed-income people. He concurred with Council Member Holmes that a full accounting of the sewer fund from 1995 should be made available for review by the general public.

Council Member Powers reiterated that with the federal mandates, the City really does not have an option on the issue. She said the rate increase is necessary. She stated she would support a review of the charges to restaurants versus other types of retail offices to possibly balance it better. She said that those projects in the system, quoted a \$3500 fee, should not have fees raised with increased fees applying only to projects started after July 1st.

Public Works Director Warren advised that if the January 1, 2010 deadline for the federal mandates is not met, the fines could be from \$3,000 to \$10,000 per day.

Mayor Snyder stated that he agreed with most of the points made by the Council Members. He stated that he was convinced that the staff did a thorough job and the Council has deliberated diligently on the increase and considered a lot of options. He advised that he is still interested in the "bedroom method" and will research it further. However, he said, at

this point, he will have to support rate system and implementation date as presented.

By **MOTION** amend the section that deals with connection fees to make the increase to \$6465 effective 60 days from tonight. **MOTION:**
Holmes/Nesbitt

Council Member Hanley said, “July 1st is crucial to be effective this fiscal year, so if we approve the sewer connection fee at the higher amount, 60 days from now, would we miss the property tax bill?” City Attorney Colantuono explained that the connection fee is charged over the counter and the sewer fee is placed on the tax roll. He said the sewer charge has a June 24th deadline wherein the 60 day rule is not applicable, but the connection charge does get the benefit of the 60 day rule.

Council Member Hanley asked suggested a July 1st deadline for the connection fee as well. City Attorney Colantuono explained the process to bring it back to the Council at the next meeting.

Council discussed directing staff to bring back the connection fee amendment to implement a July 1st deadline.

By **MOTION** amend the section that deals with connection fees to make the increase to \$6465 effective 60 days from tonight and have staff prepare an emergency resolution for the next meeting. **MOTION:**
Holmes/Hanley/Approved 5:0

Mayor Snyder directed staff to research a low-income subsidy. City Manager Richardson stated staff would come back with options for the Council. Council agreed by consensus.

The Council was asked to have the Sewer Fund Report, encompassing the past ten years, posted on the City’s website. City Manager Richardson advised it could be posted in 30 days.

By **MOTION** waive full reading and adopt and urgency ordinance to amend Title V, Chapter 52 to the Auburn Municipal Code **MOTION:**
Holmes/Hanley/Approved 5:0

Public Works Director Warren clarified the rate increase amount, suggesting \$52.50 in lieu of Council Member Holmes previous motion which included a higher rate.

By **MOTION** waive full reading of the **ORDINANCE** amending Title V, Chapter 52 to the Auburn Municipal Code, included would be the use of

\$1,000,000 in sewer reserve which will set a basic rate of \$52.50 per EDU. **MOTION: Holmes/Hanley/Approved 5:0**

By **MOTION** waive full reading and adopt the **URGENCY ORDINANCE 07-06-U** amending Title V, Chapter 52 to the Auburn Municipal Code. **MOTION: Hanley/ Holmes/Approved 5:0**

REPORTS

12. City Council Committee Reports

Postponed.

COUNCIL BUSINESS

13. Annual Business Improvement Districts (BID) Report Review and Resolution of Intention for Assessment for Fiscal Year 2007-2008

City Manager Richardson introduced the item. He explained that by State Law the business associations must come before Council to present their annual reports. A Resolution of Intent must be passed to assess the district for the coming fiscal year. Harvey Roper gave the report for the Downtown Business Association. Old Town was not represented. Both Associations included written reports in the agenda packet for Council review.

Council Member Holmes stated that in the future he would like to see a more detailed report from the Old Town Business Association.

- (1) By **RESOLUTION 07-67** approve the annual reports as filed by the City appointed Advisory Board for Downtown and Old Town Business Associations. **MOTION: Nesbitt/Powers/Approved 5:0**
- (2) By **RESOLUTION 07-68** declare intention to levy an annual assessment for the Auburn Merchants Parking and Business Improvement Area (Downtown) and the Auburn Historic Auburn Parking and Business Area (Old Town) BID's and set a Public Hearing for June 25, 2007. **MOTION: Nesbitt/Powers/ Approved 5:0**

14. Eminent Domain Policy for Auburn Redevelopment Project, Amendment No. 1

City Manager Richardson introduced the item regarding the eminent domain policy for the Amendment Area of the Auburn Redevelopment Project. He stated that Ernie Glover and Iris Yang were present to assist the Council in its discussion.

Ernest Glover outlined past discussion and questions regarding the eminent domain policy. He prepared and explained a number of options for Council to consider. Those options were:

1. Eliminate eminent domain authority; or limit to only public uses;
2. No residential eminent domain authority at all;
3. Limit eminent domain to non-residential uses and contiguous ownerships of greater than 5 acres;
4. No eminent domain authority on contiguous developed ownerships of greater than 5 acres;
5. Focus eminent domain policy on corridors;
6. Limit eminent domain authority to parcels that are not in conformance with zoning.

Council questions and discussion followed.

Ray Thompson III, 385 Nevada Street, stated he has a residence on a commercial piece of property and opposed the taking of private property and passing it to another private owner.

Janice Forbes, 165 Lubeck Road, member of the Auburn Economic Development Commission, read a letter from Joanne Neft, 362 Aeolia Drive, in support of the redevelopment plan amendment. Ms. Forbes expressed her support of the plan as well.

Cynthia Grant, Landis Circle, questioned the first option and expressed concern of passing property from one private owner to another private owner.

Dan Sokol, 1330 Deerwood Place, opposed eminent domain, stating citizens are losing their freedoms. He advised that government has gotten away from the initial idea and use of eminent domain.

Richard Sanborn, Auburn resident, stated he agreed with Dan Sokol and opposed eminent domain.

Earl Eisley, 380 Nevada Street, noted that at the Council meeting he presented 1,000 or more letters to the Council in opposition to eminent domain and the taking of private property to give to another private party. He stated that he has another 1,000 letters in opposition to eminent domain. He asked that eminent domain be eliminated from the redevelopment plan.

Monti Reynolds, 500 Auburn Folsom Road, asked Council to look at the long-term picture and adopt the redevelopment plan as presented.

Art Rochele opposed eminent domain and felt private property ownership should be respected.

Earlene Freeman opposed eminent domain.

Ann Gordon, native Auburn resident, stated that she wants Auburn to keep its small-town atmosphere. She opposed eminent domain.

Diane Ambrose opposed eminent domain.

William Gould, 10209 Mt. Vernon Road, opposed the transfer of private property from one person to another.

Mayor Snyder closed the public comment and returned the discussion to the Council.

Iris Yang answered questions regarding the questions that arose during public comment.

City Manager Richardson announced that he had received a letter that date from Bud Procissi stating that he was in favor of option number one.

Council Member Hanley stated that eminent domain is in effect for the City Council for traditional public uses at this time for the property under discussion. He explained that the other options, if adopted by the Council, would increase the authority over those properties in the Highway 49/Nevada Street area. He said that expansion of the redevelopment area would bring a great deal of money to Auburn for infrastructure improvements to the area. He said he is not in favor in government intervening in transferring property from one owner to another for sales tax revenue. He said all property owners must be treated equally, under the same rules.

Council Member Holmes stated that cost of the use eminent domain would be prohibitive. He stated he favored keeping the stipulation of no residential eminent domain authority in the project ordinance amendment and restricting it to public use only, eliminating conveyance to a private party.

Council Member Powers was provided clarification of the various options by Mayor Snyder.

Mayor Snyder stated that sometimes there is potential for development and a property owner stifles the project that would benefit many people. He said it was his belief that both the current Council and future Councils have values that would be honored. He said voters need to be aware of

the powers of those they elect to office and vote accordingly. He stated that he did not think eminent domain would ever be used unfavorably, and that he was not prepared to delete it from the plan.

By **MOTION** direct staff to develop an Ordinance that would further define eminent domain authority for the Redevelopment Amendment, and that would be Option #1, eminent domain authority is limited to public uses only and may not be used for private purposes such as a conveyance to a private party. **Holmes/Hanley**

After the motion, Council Member Nesbitt stated that he believed that the City should not be involved in private purchases, yet appreciated the Mayor's argument regarding one individual stopping a project that the majority of property owners support. Council Member Nesbitt stated that he listened to the public and would support Option #1.

Council discussion followed prior to the roll call vote. Council Member Powers supported the concept of the motion limiting eminent domain, but feared a future Council would reinstate it, which would be extremely costly.

By re-stated **MOTION** direct staff to prepare an ordinance of the City Council for consideration at the next meeting that would implement Option #1 as identified in the staff report to prevent use of eminent domain by the Redevelopment Agency in the Redevelopment Project Area Expansion to accommodate something other than a public use by a public agency. **Holmes/Hanley/Approved 3:2 (No Powers, Snyder)**

15. **Ordinance Amending the Redevelopment Plan for the Auburn Redevelopment Project – 2nd Reading**

Waive full reading and adopt **ORDINANCE 07-05** amending the Redevelopment Plan for the Auburn Redevelopment Project, and approve and adopt the Amended and Restated Redevelopment Plan for the Auburn Redevelopment Project. **MOTION: Hanley/Holmes/Approved 5:0**

ADJOURNMENT

Mayor Snyder, without objection, adjourned the meeting at 11:28 p.m.

Robert Snyder, Mayor

Joseph G. R. Labrie, City Clerk